

I point out further that eight states have both an age requirement and a minimum number of years of legal practice; hence Maryland would not be alone in such a recommendation or such a provision in their constitution.

May I also suggest that individuals in other professions do not reach the executive level until they pass the age of thirty, and I believe that a judgeship is the pinnacle, the executive level, if you will, of the legal profession. Finally, I submit that law schools do not train or educate judges. They train lawyers. I suggest that the age of thirty does not hamper the ambitions of young attorneys. It is not an illogical or harsh requirement. It is in the best interests of the citizens of the State.

I ask you to support this amendment.

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: Mr. Chairman and ladies and gentlemen of the Convention:

I rise in opposition to this proposed amendment. Our Committee was mindful of the fact that the present constitution fixes age thirty as the minimum age for those eligible for appointment to the bench. As Delegate Siewierski originally indicated, there are only twenty-four states now including in their constitutional requirements of eligibility an age limit. The average age limit imposed by those twenty-four states is something less than thirty. On the other hand, twenty-six states do not include in their constitutions any limitation on age for eligibility of appointment to the bench.

We felt very definitely that the trend is in favor of the youth of the day, to wit the recommendation that the voting age be reduced; and our ambition in this Majority Report was to make this constitution useful and helpful to the people of Maryland, and therefore to eliminate this restriction in order not to deprive, in extreme cases, the State of Maryland from a useful judge.

We, therefore, oppose the amendment. I will yield the balance of my time to Delegate Schneider, if it is in order.

THE CHAIRMAN: Delegate Johnson, you have two minutes more that you could yield to someone, if you desire.

DELEGATE JOHNSON: The current Constitution of Maryland requires that an individual attorney must be thirty years of age before he can obtain the high position of judge.

The Constitutional Convention Commission eliminated the age 30 requirement. We do not know why. Frankly, in all probability, the five-year requirement will take care of most situations, and for this we have agreed. However, as a further and perhaps unimportant tie with tradition, we sincerely urge that there be a thirty-year requirement, if you agree with us that an individual who accepts the very high position and very difficult position of judge should be at least thirty years of age.

THE CHAIRMAN: The Chair recognizes Delegate Schneider to speak for three and a half minutes in opposition.

DELEGATE SCHNEIDER: Mr. Chairman, ladies and gentlemen: first, let me say that by the time I fill the requirement which we suggest, the five-year requirement in the bar, I will be over thirty, so I am not looking to save a judgeship right now.

The Committee has recommended five years' membership in the bar. We thought this was more realistic than 30 years of age. You could have a man who could pass the bar exam at age twenty-nine and fulfill the requirements of the old Constitution of being thirty years of age with only one year membership in the bar. The Committee feels that since we hope at least that the Niles plan will be enacted and that we will have nominating commissions; or if the Niles plan is not enacted we will have a governor choosing our judges for appointment, that it should be left to the discretion of the governor or to the nominating commission to pick the man who is best qualified. If in one in a thousand circumstances, or more often, that man happens to be twenty-eight years of age, or twenty-nine, or twenty-five, they should be allowed to pick him and not be limited to waiting for a man to reach the age thirty.

We have heard that twenty-four states have a minimum age and that it averages twenty-six years of age. This must mean that very few of them have a thirty-year age limit, or if very many of them have a thirty-year age limit, it means that there must be an equal number with an age limit of somewhere around twenty or twenty-two. The Committee feels that we should leave this more flexible, especially in Garrett County, where we hear they have six lawyers. I have no idea what the ages are, but they might have a situation where they have a district judgeship coming open, and the man who is best qualified might be